#### **CHAPTER 15**

# Investigations and Inquiries

# A. Basis of Authority to Investigate; Creating Committees

§1. In General; Subjects of Authorizing Resolutions

#### **B.** Inquiries and the Executive Branch

- §2. Resolutions of Inquiry and Responses
- §3. Executive Branch Refusals to Provide Information
- § 4. Litigation to Enforce a Subpena; Senate Select Committee v Nixon
- § 5. Legislation to Obtain Information

### C. Procedure; Hearings

- § 6. Limitations on Authority to Investigate—Pertinence of Inquiry
- § 7. —Intent of Witness
- §8. —Procedural Regularity of Hearings
- § 9. Rights of Witnesses Under the Constitution—Fifth Amendment
- § 10. —First Amendment
- §11. —Fourth Amendment
- §12. —Sixth Amendment
- §13. Rights of Witnesses Under House Rules
- §14. —Right to Counsel
- §15. Effect of Derogatory Information
- § 16. Calling Witnesses; Subpenas

#### **D.** Authority in Cases of Contempt

- §17. In General
- §18. Time for Consideration
- § 19. Matters Decided by House
- § 20. Particular Conduct as Contumacious
- §21. Purging Contempt
- §22. Certification to U.S. Attorney

#### INDEX TO PRECEDENTS

#### Authorizing resolutions, subjects of

agencies, specific, §§ 1.9–1.12

airplane crashes, §1.37

business, §§ 1.19, 1.20

chemicals in food production, § 1.36

congressional operations and practices,

§§ 1.2–1.5 crime, § 1.41

economics, §§ 1.13-1.18

energy, § 1.42

executive branch, structure and operation of, §§ 1.6–1.8

migration of destitute citizens, § 1.38

military operations, domestic, § 1.23 military operations, foreign, §§ 1.261.28

military preparedness, §§ 1.24, 1.25

offensive literature, § 1.40

pensions, § 1.39

privacy, human values. and democratic institutions, § 1.1

scientific activities, §§ 1.34, 1.35

Senate precedents, §§ 1.44-1.46

sit-down strikes, §1.43

taxation, §§ 1.21, 1.22

un-American activities, §§ 1.32, 1.33

veterans' benefits, §§ 1.29-1.31

### Code of Fair Procedures, §§ 13.1-13.10

### Contempt, certification to U.S. Attorney of

adjournment, during, §§ 22.2-22.6

### Contempt, certification to U.S. Attorney of—Cont.

announcement of certification, §§ 22.322.7

congressional session, during, § 22.1

discretionary, certification as, § 22.8

#### Contempt, conduct amounting to

refusal to answer questions, §§ 20.5, 20.6

refusal to answer questions and departure without leave, §§ 20.7, 20.8

refusal to appear, §§ 20.1, 20.2

refusal to be sworn, §§ 20.3, 20.4

refusal to produce materials, §§ 20.9,  $20.10\,$ 

Senate precedents, §§ 20.11-20.14

## Contempt, divisibility of resolution relating to, § 17.3

## Contempt, matters decided by House with regard to

authority of committee,  $\S\,19.2$ 

content of report, § 19.1

subpena, effect of absence of, § 19.4

# testimony, necessity of reading, § 19.3 **Contempt, purging a contumacious**

witness of certification of purgation, §§ 21.3, 22.7 report, § 21.1

resolution, §21.2

## Contempt, purging a contumacious witness of—Cont.

U.S. Attorney's response, §§ 21.4, 21.5

### Contempt, recommittal of resolution relating to, §§ 17.1, 17.2

#### Contempt, time for consideration of

Calendar Wednesday, § 18.6

reports, §§ 18.1, 18.2

resolutions, §§ 18.4, 18.5

#### Counsel

participation, degree of, by, §§ 14.314.5 right to, §§ 14.1, 14.2

### Deletion of names of persons not subpensed, §17.4

#### **Derogatory information, effect of**

generally, § 15.1

consequence of committee determination, § 15.6

determination of derogatory nature of information, § 15.4

prerequisite for committee determination, § 15.3

### **Executive branch refusals to provide** information to Congress

former executive branch officials, refusal by, § 3.1

## Executive branch, structure and operation of

investigations of, resolutions authorizing, §§ 1.6–1.8

#### **Executive session**

 $\begin{array}{ccc} determination & by & committee, & \S 15.4, \\ & 15.5 & \end{array}$ 

receiving testimony in, §15.2

## Habeas corpus to compel attendance of incarcerated witness, § 16.1

#### Inquiry, resolutions of

bombardment of Cambodia and Laos, §2.11

busing, § 2.24

Cambodia, bombing of, § 2.11

#### Inquiry, resolutions of—Cont.

domestic energy sources, § 2.23 evidence about Vice President, § 2.18 evidence from Watergate prosecutor, § 2.17

fish exports, § 2.21

foreign sales of short supply goods,  $\S 2.22$ 

Formosa, policy on, §2.16

kidnapping, §2.19

information furnished to committee, § 2.26

Laotian operations, §§ 2.9–2.11

Mexican-American relations, § 2.14

military aid to forward-defense and

Mediterranean nations, § 2.12

Phoenix Program, § 2.5

postal temporaries, § 2.25

Presidential agreements with British

Prime Minister, § 2.13

removal of German industrial plants, §2.15

security files, § 2.20

South Vietnam, military involvement in, §§ 2.1, 2.2

South Vietnamese presidential election, §§ 2.3, 2.4

### Legislation to obtain information, §§ 5.15.3

# Select committee, form of resolution to establish, § 1.1

#### **Subpenas**

contempt, subpena as prerequisite to, §§ 16.2, 17.4, 19.4

derogatory information, subpense requested by person who is affected by, § 15.1

right of subpensed witness not to be photographed, §13.11

### Witnesses, rights of, under House rules

in general, §§ 13.1, 13.2

announcement of subject of investigation, § 13.4

#### Ch. 15

#### DESCHLER'S PRECEDENTS

## Witnesses, rights of, under House rules—Cont.

committee rules, § 13.7 media coverage, § 13.11 punishment of breaches of order, § 13.5 quorum, § 13.3 release of secret information, § 13.9

## Witnesses, rights of, under House rules—Cont.

responsibility to protect rights, §13.12 submission of written statements, §13.10 subpenas, requests for, §§ 13.6, 15.1 transcripts, §13.8